

# United States District Court

NORTHERN DISTRICT OF CALIFORNIA

**Filed**  
JUL 12 2007  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

UNITED STATES OF AMERICA  
V.  
ERNST JOHN ROHDE

## CRIMINAL COMPLAINT

CASE NUMBER:

**07 70419 RS**

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

### Count One:

On or about May 22-23, 2006, in Santa Clara County in the Northern District of California defendant did

knowingly receive, or distribute, any visual depiction that had been mailed, or had been shipped or transported in interstate or foreign commerce, or which contained materials that had been mailed or so shipped or transported, by any means including by computer and the producing of such visual depiction involved the use of a minor engaging in sexually explicit conduct and such visual depiction were of such conduct, in violation of 18 U.S.C. § 2252(a)(2).

### Count Two:

On or about July 26-27, 2006, in Santa Clara County in the Northern District of California defendant did

knowingly receive, or distribute, any visual depiction that had been mailed, or had been shipped or transported in interstate or foreign commerce, or which contained materials that had been mailed or so shipped or transported, by any means including by computer and the producing of such visual depiction involved the use of a minor engaging in sexually explicit conduct and such visual depiction were of such conduct, in violation of 18 U.S.C. § 2252(a)(2).

I further state that I am a Special Agent of National Aeronautics and Space Administration, Office of Inspector General and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

PENALTIES under 18 U.S.C. § 2252(a)(2):


Minimum Term of Imprisonment: 5 years;

Maximum Term of Imprisonment: 20 years;

Supervised Release: lifetime;

Fine: \$250,000 Special Assessment: \$100

Requested process: Request summons

APPROVED AS TO FORM:   
AUSA O'CONNELL

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

  
Signature of Complainant

Sworn to before me and subscribed in my presence,

July 12, 2007 at  
Date

San Jose, California  
City and State

RICHARD SEEBORG  
United States Magistrate Judge  
Name & Title of Judicial Officer

  
Signature of Judicial Officer

STATE AND NORTHERN DISTRICT  
OF CALIFORNIA

COUNTY OF SANTA CLARA,  
CITY OF SAN JOSE

07 70419

AFFIDAVIT OF NASA OIG  
SPECIAL AGENT  
MELANIE E. MARTINSON  
IN SUPPORT OF A  
COMPLAINT

RS

Filed

JUL 12 2007

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

I, Melanie E. Martinson, a Special Agent of the National Aeronautics and Space Administration (NASA), Office of Inspector General (OIG), being duly sworn, hereby depose and state the following:

### INTRODUCTION

1. I make this Affidavit in support of a complaint charging Ernst John Rohde, aka: Jack Rohde, with knowingly receiving, or distributing, any visual depiction that has been mailed or has been shipped or transported in interstate or foreign commerce, or which contains materials which have been mailed or so shipped or transported, by any means including by computer, and that the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct; and such visual depiction is of such conduct in violation of 18 United States Code ("U.S.C.") § 2252(a)(2).

2. The statements contained in this Affidavit are based, in part, upon my own personal knowledge, but are also based upon information provided to me by other law enforcement officers, NASA employees, Defense Computer Forensics Lab ("DCFL"), and the National Center for Missing and Exploited Children ("NCMEC"). Because this Affidavit is for the limited purpose of setting forth probable cause for the requested complaint, I have not necessarily included every fact known to me through this investigation. I have set forth those facts I deem necessary to establish probable cause to believe that the above-mentioned violation has been committed and that the above-named persons committed it.

### AFFIANT'S BACKGROUND

3. I am a Special Agent ("SA") with the NASA OIG and have been so employed for approximately one and a half years. I am currently assigned to the Computer Crimes Division, where I specialize in the investigation of computer and high-technology crimes, including, but not limited to, computer intrusions, internet fraud, and child pornography. I was previously employed as a Special Agent with the United States Air Force Office of Special Investigations ("AFOSI") for six years.

4. I am authorized to investigate computer crimes and crimes against children. During my career as a Special Agent with NASA and AFOSI, I have had the opportunity to conduct, coordinate and/or participate in investigations relating to the sexual exploitation of children. I have had the opportunity to observe and review examples of child pornography contained in different types of media, including computer media, and have received training

and instruction in the investigation, identification, and typology of computer crimes involving child pornography. I have also discussed child pornography investigations with law enforcement personnel experienced in such investigations.

### **RELEVANT STATUTES**

5. Title 18 U.S.C. § 2252(a)(2) provides in relevant part: "Any person who knowingly receives, or distributes, any visual depiction that has been mailed, or has been shipped or transported in interstate or foreign commerce, or which contains materials which have been mailed or so shipped or transported, by any means including by computer, if –

a. the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct; and

b. such visual depiction is of such conduct;"

has committed a crime.

### **PROBABLE CAUSE**

6. The following information is based on an investigation conducted by myself and other Special Agents of NASA OIG.

7. On May 22 - 23, 2006, Information Technology ("IT") Specialists at NASA Ames Research Center ("Ames"), Moffett Field, California, were alerted to an Internet connection searching the Internet for "pre-teen" and "13-17". The Internet connections originated from a computer connected to the Ames wireless network. On both days, this computer was assigned IP address 198.123.51.194. During these Internet connections, the individual using the computer assigned IP address 198.123.51.194 accessed the account "jacks4" on *www.easynews.com* and, subsequently, searched newsgroups with the names of "teenfem", "erotica.13-17", "young", "totty", "adolescents", and "preteen". In addition, the individual took files from *www.easynews.com* and placed them on his/her own computer. This is referred to as "downloading".

8. On May 23, 2006, while still connected to the Internet, the user assigned IP address 198.123.51.194 connected to *www.hotmail.com* and accessed the account *jackroh@hotmail.com*.

9. At the time of the Internet connections on May 22 and May 23, 2006, IP address 198.123.51.194 was assigned to the computer with a Media Access Control ("MAC") address of 00:11:f5:8f:bc:4e. I know from my experience and training that the MAC address is a unique code assigned to networking hardware and is permanently assigned to said hardware. The computer with MAC address 00:11:f5:8f:bc:4e was registered on the Ames network to Ernst J. Rohde, Flight Research Associates, e-mail address: *jackroh@hotmail.com*, which is a password protected account.

10. On May 23, 2006, IT Specialists triangulated the wireless signal to a location at or

near Ames lodging buildings. I contacted Ames lodging and discovered that Rohde was lodged at Ames for a period including May 22 and 23, 2006.

11. On July 26 - 27, 2006, IT Specialists were again alerted to suspicious Internet connections. The Internet connections were made from IP addresses 198.123.51.194 and 198.123.50.25 to account "jacks4" on *www.easynews.com*. During these connections, the individual accessed groups on *www.easynews.com* titled "alt.binaries.ijsklontje" and "alt.binaries.models.petite". Both of these groups were previously accessed on May 22 and 23, 2006 using the account "jacks4". The individual downloaded image files from these groups on July 26 and 27, 2006. Additionally, the individual using IP address 198.123.51.194 accessed the account *jackroh@hotmail.com* on *www.hotmail.com*.

12. At the time of the connections, IP address 198.123.51.194 was assigned MAC address 00:11:f5:8f:bc:4e and IP address 198.123.50.25 was assigned MAC address 00:90:4b:93:ad:d6. Both of these MAC addresses were registered on the Ames network to Ernst J. Rohde, Flight Research Associates, e-mail: *jackroh@hotmail.com*.

13. At the time of these connections, I contacted Ames lodging and determined that Rohde was lodged on Ames. SA Alvin D. Allen ("SA Allen"), NASA OIG, located Rohde's lodging room and conducted a surveillance of the room at the time of the connections on July 26, 2006. SA Allen found the door of Rohde's room open. As SA Allen walked by, he observed Rohde sitting at a desk working on a laptop. There was another laptop sitting on the bed.

14. On July 25 and 31, 2006, I conducted a review of the data captured during the Internet connections in May and July 2006, including the image files which were downloaded from *www.easynews.com*. I determined that the user, "jacks4", accessed groups on *www.easynews.com* titled "alt.binaries.models.petite", "alt.binaries.youth-and-beauty", "alt.binaries.youth", "alt.binaries.ijsklontje", "alt.binaries.amateur", "alt.binaries.teenfem.no-rules", "alt.binaries.erotica.13-17", "alt.binaries.age.13-17", "alt.binaries.young", "alt.binaries.totty", "alt.binaries.kids", "alt.binaries.erotica.earty.teens", "alt.binaries.erotica.preteen", "alt.binaries.nudism.youth.and.families", "alt.binaries.multimedia.adolescents", "alt.binaries.pictures.tinygirls", "alt.binaries.erotc.underage.admirers", and "alt.binaries.images.sex.preteens". Many of these titles are indicative of the type of image files I uncovered including the titles "adolescents", "tinygirls", "preteens", and "young".

15. Additionally, I determined that of the images Rohde downloaded above, 50 image files contained visual depictions of minors engaged in sexually explicit conduct as defined in 18 U.S.C. Section 2256. Many of these visual depictions were later recovered during analysis of other computer media belonging to Rohde. A review of *SBU/198.123.51.194/Search-198.123.51.194/index.html* revealed two image files downloaded on May 22, 2006. Image 2355323749.80-3329962946.1257-1148324957-23493.jpg was downloaded on May 22, 2006 at 12:09:17 Pacific Standard Time. This image depicted a young girl, approximately 5-7 years old, nude and lying in a bath tub posing to reveal her genitalia. The second image, 2355323749.80-3329962946.1246-



1148324581-22864.jpg, depicted a young girl, approximately 7-10 years old, clothed and lying down.

16. My review also uncovered the file *SBU/Application Reconstruction7\_27(4).mht* which revealed a connection from IP 198.123.50.25 to the *www.easynews.com* newsgroup "alt.binaries.pictures.ls-series" on July 27, 2006 at 13:05:28 Greenwich Mean Time. Eight images were downloaded and included a young girl, approximately 5-7 years old, posing nude on a couch revealing her genitalia.

17. In July 2006, I obtained Ernst J. Rohde's vehicle information. I confirmed that the vehicle he used on NASA Ames was the vehicle registered to him at the address: 26918 Monterey Avenue, Santa Clarita, California. However, Rohde's driver's license contained the address of 5826 Widgeon Court, Stockton, California.

18. On August 11, 2006, I spoke with an MSN Hotmail representative who administers the account *jackroh@hotmail.com*. I learned that the account *jackroh@hotmail.com* was registered on October 11, 2001 by Ernst J. Rohde. The account was accessed several times in June and July 2006. There were two connections to the account from the Ames network on July 26, 2006. Records for connections in May 2006 had already been deleted from MSN Hotmail's server.

19. On August 16, 2006, I spoke with an Easynews, Inc. representative located in Phoenix, Arizona, who administers *www.easynews.com*. I learned that the account "jacks4" is registered to Ernst J. Rohde with the email *jackroh@hotmail.com*.

20. In January 2007, SA Allen and I conducted surveillance of the property located at 26918 Monterey Avenue, Santa Clarita, California, which is located in a gated community. We did not see any signs of Ernst J. Rohde or Rohde's vehicle. Additionally, I spoke with Monica Lim, security guard, and Kathy Gemind, facility manager, who both related they had not seen or did not recognize Rohde.

21. On March 20, 2007, Special Agent Sammy Martin ("SA Martin"), NASA, OIG, and I conducted surveillance of 5826 Widgeon Court, Stockton, California and positively identified Rohde at these premises. On March 21, 2007, NASA OIG Special Agents, with the assistance of Detectives from Stockton Police Department and Sacramento County Sheriff's Department, executed a federal search warrant on the premises. During this search the following was obtained: 7 external hard drives located next to a desktop computer, 1 Generic Computer tower with no serial numbers, and two laptop computers, including 1 HP Pavilion computer laptop, serial number: CND4391GDN.

22. On March 21, 2007, SA Martin and I conducted a non-custodial and voluntary interview of Rohde. Rohde admitted to viewing images of minors engaged in sexually explicit conduct on the Internet and to downloading these images to computer media such as hard drives, DVDs, and CDs. Rohde said he has been doing this for approximately 6-10 years. Rohde said he had approximately 1 million image and media files of the minors engaged in sexually explicit conduct saved to hard drives, DVDs, and CDs. Rohde said he

is a "voyeur" and only looks at the images. He related he has never touched or harmed a child in a sexual manner, but he did admit to masturbating to the images of minors engaged in sexually explicit conduct.

23. Between April 24 and June 13, 2007, I conducted analysis of the hard drive contained in the HP Pavilion laptop, serial number: CND4391GDN. This analysis revealed 8888 image files (jpeg, jpg) and 69 video files (mpg, avi, divx) containing suspected images of minors engaged in sexually explicit conduct as defined in 18 U.S.C. section 2256; 861 image and media files matching a database of known images of identifiable minors engaged in sexually explicit conduct according to the Defense Computer Forensic Laboratory (DCFL) and the National Center for Exploited and Missing Children (NCEMC); and 19,068 text/document files containing graphic stories of child abduction, rape, pedophilia, and incest.

24. For example, a photograph located in *C:\files\New Folder\my collection\mixpix\Hussyfan\ Pthc 1595 Pics Only Trade\pics\jaxy\Jaxy LOLITA\_CHILD\_FUCK\_1012(1)(1)(1).JPG* depicts a young girl, approximately 6-8 years old, naked and lying on the floor. She is holding on to a man's penis in her mouth and inserting a long object into her vagina. She is looking at the camera.

25. Additionally, my analysis revealed a movie file located at *C:\files\New Folder\pthc0\Divix\Cambodian Little Girls Part1.divx* which depicts several young Asian girls between the approximate ages of 6-12 years old. They are naked and in a room with several adult males and females. Throughout the video, the males are having intercourse with the girls and the girls are also putting the males' penises in their mouths. Flashes from cameras are seen throughout the video. One girl is also bound with duct tape and objects are inserted into her vagina. The girl appears to be struggling at various times.

26. Another example is the file located in *C:\file\New Folder\my collection\mixpix\Hussyfan\ Pthc 1595 Pics only Trade\pics\baby fuck 3.jpg* is a known image of a minor engaged in sexually explicit conduct according to NCMEC. It depicts a young girl, approximately 3-5 years old, nude and on top of a nude adult male who is lying on a couch. The male's penis is penetrating the girl's vagina.

27. Between April 25 and June 20, 2007, Technical Investigator Behshad Sedighi ("TI Sedighi"), NASA OIG, conducted analysis of the hard drive contained in the generic computer tower. This analysis revealed 1093 image and media files matching a database of known images of identifiable minors engaged in sexually explicit conduct (as defined in 18 U.S.C. section 2256) according to DCFL and the NCEMC; and 64932 image files (jpeg, jpg, bmp, pdf) and 888 media files (mpg, avi, divx, ram, mov, swf) containing suspected images of minors engaged in sexually explicit conduct.

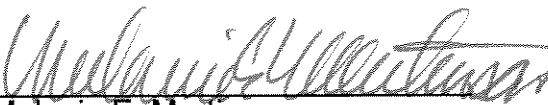
28. For example, a photograph located in *C:\New Folder\pthc Grace\100\_0334.jpg* depicts a nude young girl, approximately 10 years old, wearing pink underwear with white dots, lying down in a bed (apparently sleeping). An unknown individual is touching her and exposing her vagina with two fingers.

29. Additionally, TI Sedighi discovered a movie file located at *C:\Program Files\NewsRover\Projects\14\Files\baby J\BabyJ-Green 01.avi* which depicts a young girl, approximately 2-3 years old (face is not visible, but body is pubescent), exposing her vagina and engaged in intercourse with an adult male wearing a black t-shirt.


30. Another example is the file located in *C:\Program Files\NewsRover\Projects\14\Files\pthc\11yo\_man\_bath&tears\pthc\11yo\_man\_bath&tears-.avi* is a known media file of a minor engaged in sexually explicit conduct provided by NCMEC. The video depicts a nude young girl, approximately 10-12 years old, in a shower with an adult male washing her genitalia. The scene then cuts to the young girl performing oral sex on an adult male in a white t-shirt. The girl and adult male are later engaged in sexual intercourse. At one point, it also appears the girl is crying and telling the adult male to stop.

### CONCLUSION

31. Based upon the totality of the facts set forth in this Affidavit, there is probable cause to believe that Ernst J. Rohde is in violation of 18 U.S.C. § 2252(a)(2) as defined in paragraph 5 above.

  
Melanie E. Martinson  
Special Agent

Sworn to and subscribed before me on this 12th day of July 2007.

  
RICHARD SEEBORG  
United States Magistrate Judge